

Message Text

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PAGE 01 STATE 125912
ORIGIN ARA-10

INFO OCT-01 ISO-00 L-03 JUSE-00 PA-02 SCS-05 SCA-01
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DRAFTED BY ARA/AND:JCHAMBERLAIN
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FM SECSTATE WASHDC
TO AMEMBASSY LIMA

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E.O. 11652: N/A

TAGS: PGOV, US

SUBJECT: U.S. COURT RECESSES

REF: LIMA 3536

1. DEPARTMENT CONTACTED ADMINISTRATIVE OFFICE OF THE (FEDERAL) COURTS ON QUESTION OF JUDICIAL RECESSES, BUT DID NOT INVESTIGATE HANDLING OF MATTER BY THE VARIOUS STATES.

2. AT THE DISTRICT COURT LEVEL, JUDGES PLAN VACATIONS AT THE BEGINNING OF THE YEAR SO THAT NO MORE THAN ONE-HALF OF THE COURT IS AWAY AT ANY TIME. THE JUDGES HAVE NO SET NUMBER OF DAYS WHICH THEY MAY TAKE OFF EACH YEAR.

3. THE UNITED STATES SUPREME COURT IS GENERALLY IN SESSION FROM OCTOBER THROUGH JUNE. WHEN THE COURT IS NOT IN SESSION, THE JUSTICES COME AND GO AS THEY WISH, BUT AT ANY GIVEN TIME THERE IS AT LEAST ONE JUSTICE IN WASHINGTON, AND THE OTHERS LEAVE EMERGENCY NUMBERS. THE COURT STAFF SENDS UNCLASSIFIED

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PAGE 02 STATE 125912

APPROXIMATELY 100 CASES PER WEEK TO THE JUSTICES WHILE THEY ARE VACATIONING AT SUMMER HOMES, SO THAT THEY CAN STAY CURRENT ON COURT BUSINESS. SOME JUSTICES LEAVE WASHINGTON FOR UP TO TWO AND ONE-HALF MONTHS, BUT THEY ARE IN ALMOST DAILY TELEPHONE CONTACT WITH THE COURT STAFF. OTHER JUSTICES

SPEND LESS THAN A MONTH OUTSIDE WASHINGTON.

4. THE INTERMEDIATE COURTS OF APPEALS HANDLE VACATIONS MUCH LIKE THE SUPREME COURT. THE JUDGES MAY LEAVE TOWN FOR VACATIONS WHEN THE COURT IS NOT IN SESSION, BUT THEY TAKE ALONG BRIEFS SO THAT THEY CAN KEEP UP WITH THE COURT WORKLOAD.

5. THUS, FEDERAL TRIAL COURTS DO NOT RECESS, WHILE COURTS OF APPEALS DO. APPELLATE JUDGES, HOWEVER, CONTINUE TO WORK ON THEIR CASELOADS DURING THE RECESS.

6. DELAY THIS REPLY REGRETTED. HABIB

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